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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,052 11/21/2003		Cyril Houri	835-002con	3244
75	90 07/05/2006		EXAM	INER
SOFER & HAROUN, L.L.P.			HALIM, SAHERA	
Suite 910				
317 Madison Avenue			ART UNIT	PAPER NUMBER
New York, NY 10017			2157	

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	10/721,052	HOURI, CYRIL				
Office Action Summary	Examiner	Art Unit				
	Sahera Halim	2157				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim vill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	l. lely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 24 No	•					
· · · · · · · · · · · · · · · · · · ·						
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
·	x parte quayre, 1999 O.D. 11, 40	00 0.0. 210.				
Disposition of Claims						
4) Claim(s) 1-22 is/are pending in the application.						
4a) Of the above claim(s) is/are withdrav 5) Claim(s) is/are allowed.	vn from consideration.					
6)⊠ Claim(s) <u>1-22</u> is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/or	r election requirement.					
Application Papers						
9) The specification is objected to by the Examine	r					
10) The drawing(s) filed on is/are: a) acce		Examiner.				
Applicant may not request that any objection to the	•					
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11)☐ The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PTO-152.				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)						
Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Da	ate				
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2/15/06</u> .	5) Notice of Informal F 6) Other:	atent Application (PTO-152)				

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DETAILED ACTION

This Action is in response to communication filled on September 21, 2003.

Double Patenting

1. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain <u>a</u> patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer <u>cannot</u> overcome a double patenting rejection based upon 35 U.S.C. 101.

- 2. Claims 1-22 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-22 of prior U.S. Patent No. 6,665,715. This is a double patenting rejection.
- 3. The current applications has two groups of claims, group I (claims 1-11) and group II (claims 12-22). The '715 patent has two groups also, group I (claims 1-11 and group II (claims 12 –22). The claims of the present application are identical to the claims of patent '715. The mapping of the claims follows:

Present Application	Patent '715
Claim 1	Claim 1
Claim 2	Claim 2
Claim 3	Claim 10
Claim 4	Claim 11

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Claim 5	Claim 3
Claim 6	Claim 4
Claim 7	Claim 5
Claim 8	Claim 6
Claim 9	Claim 7
Claim 10	Claim 8
Claim 11	Claim 9
Claim 12	Claim 12
Claim 13	Claim 13
Claim 14	Claim 21
Claim 15	Claim 22
Claim 16	Claim 14
Claim 17	Claim 15
Claim 18	Claim 16
Claim 19	Claim 17
Claim 20	Claim 19
Claim 21	Claim 18
Claim 22	Claim 20

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sahera Halim whose telephone number is (571) 272-4003. The examiner can normally be reached on Mondays and Thursdays from 8:30-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sahera Halim Patent Examiner

AU: 2157

June 8, 2006

ZARNI MAUNG

SUPERVISORY PATENT EXAMINER